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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,725	11/17/2003	Samuel Chen	GameTable.01	2356
23616	7590	08/11/2005	EXAMINER	
LAW OFFICES OF CLEMENT CHENG 17220 NEWHOPE STREET #127 FOUNTAIN VALLEY, CA 92708			COLLINS, DOLORES R	
			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/714,725

Applicant(s)

CHEN, SAMUEL

Examiner

Dolores R. Collins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

Examiner acknowledges response by applicant's representative received 5/18/05. Examiner further acknowledges the corrections/clarifications made to address the issues of the first action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 6, it is unclear to which portions applicant is referring. In line 9, it is unclear to which end planar member applicant is referring.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2 & 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Dence (728)

Dence discloses a Table.

Regarding claim 1

Dence teaches a table that has three table surfaces (lines 13-22 & figure 3), end panels (3), a frame (1) with supports (5 & 6) and a locking handle (see figure 8).

Regarding claim 2

Dence teaches a central section that is triangular (7) with retractable side rails (8 & 9), which is pivotally mounted & hinged to facilitate pivoting into the three positions (see lines 63-77).

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Regarding claim 7

Dence teaches a table that has three table surfaces (lines 13-22 & figure 3), end panels (3), a frame (1) with supports (5 & 6) and a locking handle (see figure 8). Dence further teaches a central section that is triangular (7) with retractable side rails (8 & 9), which is pivotally mounted & hinged to facilitate pivoting into the three positions (see lines 63-77).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-6 & 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dence (728).

Dence discloses Table.

Regarding claims 3-6 & 8-11

Dence teaches a table that has three table surfaces (see col. 2, lines 11-22 & figure 3). Dence explicitly teaches that one surface of his table could be used for a

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Billiard table, but fails to explicitly teach tennis, air hockey or poker as one of his surfaces. Dence however teaches that his table surfaces may be used for 'numerous other purposes as may be desired' (lines 13-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include games like tennis, air hockey and poker such would be a matter of design choice and would add variety for the players.

3. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dence (728) as applied to claim 7 and further in view of Driska (861).

Dence discloses Table. Dence teaches a table that has three table surfaces (lines 13-22 & figure 3), end panels (3), a frame (1) with supports (5 & 6) and a locking handle (see figure 8). Dence further teaches a central section that is triangular (7) with retractable side rails (8 & 9), which is pivotally mounted & hinged to facilitate pivoting into the three positions (see lines 63-77).

Dence fails to teach that his apparatus include a spin bumper. Driska discloses a Kit For Table Game. His kit teaches includes the inclusion of a rotatable deflector (i.e., the same as a spinning bumper) (see abstract & col. 12, lines 34-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify tie table of Dence to include a retractable deflector or spinning bumper as taught by Driska to add a level of randomness and excitement to game play.

4. Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dence (728) in view of Driska (861).

Dence discloses Table.

Regarding claim 13

Dence teaches a table that has three table surfaces (see col. 2, lines 11-22 & figure 3). Dence explicitly teaches that one surface of his table could be used for a Billiard table, but fails to explicitly teach tennis, air hockey or poker as one of his surfaces. Dence however teaches that his table surfaces may be used for 'numerous other purposes as may be desired' (lines 13-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include games like tennis, air hockey and poker such would be a matter of design choice and would add variety for the players.

Dence fails to teach that his apparatus include a spin bumper. Driska discloses a Kit For Table Game. His kit teaches includes the inclusion of a rotatable deflector (i.e., the same as a spinning bumper) (see abstract & col. 12, lines 34-47). This deflector assembly is connected to through a surface aperture to a motor (104) (see figure 3 & col. 7, lines 60---68 & col. 8, lines 1-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify tie table of Dence to include a retractable

deflector or spinning bumper as taught by Driska to add a level of randomness and excitement to game play.

Regarding claim 14

Driska teaches that his motor is provided with input that controls/affect speed (see col.8, lines 15-22).

Regarding claim 15

Driska teaches that his deflector (bumper) is disk shaped and appears circular (see figure 3, (150)).

Regarding claim 16

Driska teaches that his deflector (150) has a deflecting portion (152). Driska further teaches that his deflecting portion is made of a plastic that is not as stiff as that of the deflector itself. Driska, however, fails to explicitly teach that rubber is used to coat the deflecting surface. Inherent in the teaching of deflection is the use of materials that would facilitate diversion. It would have been obvious to one of ordinary skill in the art to use any polymer that would receive and facilitate diversion of the puck during game play.

Regarding claim 17

Dence teaches a table that has three table surfaces (lines 13-22 & figure 3), end panels (3), a frame (1) with supports (5 & 6) and a locking handle (see figure 8). Dence further teaches a central section that is triangular (7) with retractable side rails (8 & 9), which is pivotally mounted & hinged to facilitate pivoting into the three positions (see lines 63-77).

Response to Arguments

Applicant's arguments filed 5/18/05 have been fully considered but they are not persuasive. Applicant amended claims 2 & 17 to include subject matter that was not previously disclosed and further presents arguments to support his amendment. Examiner maintains the rejection of the previous office action.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited to show the state of art with respect to features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Dolores R. Collins** whose telephone number is **(571) 272-4421**. The examiner can normally be reached on 8.00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Greg Vidovich** can be reached on **(571) 272-4415**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).



7/23/05


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